IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 555 of 2002
Date of Decision: April 21, 2009

Manoj ***.....Petitioner***

Versus

State of Haryana ***.....Respondent***

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.Anhul Singh,Advocate, for the petitioner.
Mr.Sidharath Sarup, Assistant Advocate General
Haryana

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Sabina, J.

Petitioner was convicted under Section 25 of the Arms Act, 1959 (`the Act' for short) vide judgment dated 9.10.2001 by the Judicial Magistrate Ist Class, Gohana. Vide order dated 10.10.2001, petitioner was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- . Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Sonepat vide judgment dated 14.2.2002. Hence, the present revision.

The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:-

> "The facts of the prosecution case in short are that on 18.7.1998, ASI Rajiv Kumar was present at Gohana Jind Road in connection with patrolling duty alongwith police officials. In the meantime, the accused was seen coming from the side of Industrial Training

Institute (ITI). On seeing the police party, he at once turned and tried to skip away. On the basis of the suspicion, he was apprehended. During his search, a country made pistol .315 bore was recovered from his right side `dub'. He failed to produce any licence to retain the said pistol in his possession. Sketch of the pistol Ex.P3 was prepared. A packet of the recovered pistol was prepared and was sealed with the seal `RK' and was taken into possession vide memo duly attested by the witnesses. After use, the seal was handed over to Constable Sat Narain. Information Ex.PW5/A was sent to the Police Station for registration of the case on the basis of which formal FIR was registered against the accused for the offence punishable under Section 25 of the Arms Act. Rough site plan of the place of recovery Ex.PW5/B was also prepared. Statements of witnesses were recorded. The case property was deposited with Moharrir. Later on, the pistol was got tested from the Armour and he gave his report Ex.P1 in this respect. After obtaining sanction order Ex.PW4/A to prosecute the accused, report under Section 173 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) was filed in the Court."

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Section 25 of the Act but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner. Learned counsel has further submitted that the petitioner has undergone about two months of actual sentence. Petitioner was only found in possession of pistol without any cartridges. The petitioner was facing criminal proceedings since the year

1988.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner.

Hence, the conviction of the petitioner under Section 25-of the Act is maintained and the sentence qua the imprisonment of the petitioner is reduced to already undergone by him.

Petition stands disposed of.

(Sabina)
Judge

April 21, 2009
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